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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,159	06/05/2006	Tony Westman	1503-1064	4371

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YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA, VA 22314

EXAMINER	
WILSON, BRIAN P	

ART UNIT	PAPER NUMBER
4163	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/543,159	WESTMAN, TONY	
	Examiner	Art Unit	
	BRIAN WILSON	4163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *7-25-2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7-25-2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
> 888

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westman (U.S. Patent 6,236,836) in view of Durst (U.S. Patent 6,480,147).

Regarding claim 1, Westman teaches

- a system for anti-theft transponders **(Abstract)**,
- characterized by an autonomous low power transmitter device capable of transmitting a specified command for accessing at least one anti-theft transponder, **(Fig. 1, item A2; Col. 3, lines 58-62; note transponder can be enabled by A1 from a fixed position, or**

may be enabled by A2. A2 is a mobile telephone comprised of buttons and can be carried by a person associated with protected items. A2 has the ability to contact multiple access codes, and is a low power device and generally have microprocessors; Col. 5, lines 20-32 & Col. 5, Table; note commands)

- the anti-theft transponder comprising one receiver module operating on a designated frequency used by a general coverage paging system, **(Col. 4, lines 14-16; note pagers generally receive all messages transmitted on the frequency that it is tuned to, and filter out all messages not addressed to it; Col. 3, lines 22-26; note coverage area)**
- the transponder further comprising at least one transmitting means and control circuitry, **(Fig. 2, see control circuitry; Col. 3, lines 63-67 & Col. 4, lines 1-13)**
- and that the anti-theft transponders are provided with a first individual access identity code for authorization of an activation by means of a paging system **(Col. 4, lines 14-18; note phone number corresponds to first individual access identity code)**
- and at least a second general access identity code for a direct control by the autonomous low power transmitter within its limited coverage.

However, Westman does not teach

- and at least a second general access identity code for a direct control by the autonomous low power transmitter within its limited coverage.

Durst teaches

- and at least a second general access identity code for a direct control by the autonomous low power transmitter within its limited coverage. **(Fig. 1, item 25; Col. 3, lines 40-48; note item 25 transmits access codes, is comprised of buttons and can be near or with**

associated objects; Col. 4, lines 38-46; note multiple addresses corresponds to multiple general access identities, and coverage area is within paging)

It would be obvious to one of ordinary skill in the art to combine Westman's asset tracking system that can activate a single transponder, with Durst's ability to communicate with multiple objects using multiple addresses. This integration would be ideal because it may be necessary to control or receive information from large numbers of transponders (i.e. fleet of trucks, group of kids) at a particular time.

Regarding claim 2, Westman in view of Durst teach the system according to claim 1. Westman further teaches

- the system characterized in that the autonomous low power transmitter by means of a manual activating switch **(Col. 3, lines 58-62; note transponder can be enabled by A1 from a fixed position, and contact the first identity access code. A2 is a mobile telephone comprised of buttons and can be carried by a person near or with protected items and is a low power device. A2 can easily contact the second access identity code)**
- initiates a transmitting of a defined series of transmissions of an authorization code for the at least second general access identity code of transponders in the anti-theft transponder system to thereby control each transponder receiving the transmissions of the autonomous low power transmitter. **(Col. 5, lines 20-32; note process for one access identity code is the same for multiple access codes)**

However, Westman does not specifically teach

- a system characterized in that the autonomous low power transmitter by means of a manual activating switch
- initiates a transmitting of a defined series of transmissions of an authorization code for the at least second general access identity code of transponders in the anti-theft transponder system to thereby control each transponder receiving the transmissions of the autonomous low power transmitter.

Durst further teaches

- a system characterized in that the autonomous low power transmitter by means of a manual activating switch **(Fig. 1, item 25; Col. 3, lines 40-48; note that object locators may be contacted by item 25 which may be in close proximity to objects of interest. Item 25 is comprised of buttons and can access multiple access codes at once)**
- initiates a transmitting of a defined series of transmissions of an authorization code for the at least second general access identity code of transponders in the anti-theft transponder system to thereby control each transponder receiving the transmissions of the autonomous low power transmitter **(Col. 4, lines 41-53; note object locators can have multiple addresses corresponding to multiple access identity codes)**.

It would be obvious to one of ordinary skill in the art to combine Westman's asset tracking system that can contact a single access code with Durst's ability to contact multiple addresses because it may be necessary to control or receive information from large numbers of transponders (i.e. fleet of trucks, group of kids) at a particular time.

Regarding claim 3, Westman in view of Durst teach the system according to claim 2.

Westman further teaches

- a system characterized in that the autonomous low power transmitter utilizes a common signal format, e.g. a POCSAG code or similar, **(Col. 3, lines 58-62; note that A2 is a mobile phone, and has the ability to contact multiple access codes. A2 is a low power device generally controlled by a microprocessor; Col. 4, line 25; note accepted paging protocol)**
- to produce the at least second general access identity code for the autonomous low power transmitter for control of each anti-theft transponder within a limited coverage of the autonomous low power transmitter when the autonomous low power transmitter is trigged to operate.

However, Westman does not specifically teach

- to produce the at least second general access identity code for the autonomous low power transmitter for control of each anti-theft transponder within a limited coverage of the autonomous low power transmitter when the autonomous low power transmitter is trigged to operate.

Durst further teaches

- to produce the at least second general access identity code for the autonomous low power transmitter for control of each anti-theft transponder within a limited coverage of the autonomous low power transmitter when the autonomous low power transmitter is trigged to operate **(Fig. 1, item 25; Col. 3, lines 40-48; note that object locators may be contacted by item 25 which may be in close proximity to objects of interest and**

has ability to produce multiple access identity codes; Col. 4, lines 41-53; note object locators can have multiple addresses corresponding to multiple access identity codes).

It would be obvious to one of ordinary skill in the art to combine Westman's asset tracking system with Durst's ability to communicate with multiple objects because it may be necessary to properly transmit control information using common paging protocol to large numbers of objects (i.e. fleet of trucks, group of kids) at a particular time.

Regarding claim 4, Westman teaches

- a transmitter for anti-theft transponders for locally controlling the anti-transponders for a change into an active mode **(Col. 3, lines 58-62; note transponders can be enabled by A1 or A2. A2 can be local with respect to protected objects of interest, and enable transponders using an access identity code; Col. 5, lines 20-32; note accepted paging protocol; Col. 5, Table; note transponder command codes that A1 or A2 may utilize)**
- characterized in an autonomous low power transmitter device is formed capable of generating a specified command for accessing at least one anti-theft of the transponders, **(Col. 5, lines 20-32; note commands that transponder B may utilize; also note that transponder B may be enabled by A1 or A2 by a general access code)**
- the anti-theft transponders comprising a receiver module operating on a designated frequency used by a general coverage paging system **(Col. 3, lines 65-67; Col. 4, lines 14-16; note pagers generally receive all messages transmitted on the frequency that**

it is tuned to, and filter out all messages not addressed to it; Col. 3, lines 22-26; note coverage area),

- and the anti-theft transponders are provided with a first individual access identity code for authorization of an activation by means of a paging system **(Col. 4, lines 14-18; note transponder needs at least one access code to receive information at all; Col. 5, lines 20-32 & Col. 5, Table; note paging protocol, and commands)**
- and at least a second general access identity code for a direct control by the autonomous low power transmitter within its limited coverage area,
- and that the autonomous low power transmitter is provided with a control switch (S2) **(Col. 3, lines 58-62; Fig. 1, item A2; note buttons and that A2 may be located close to protected objects, and has the ability to contact multiple access codes)** for activating a broadcast of a defined series of transmissions with an authorization code for anti-theft transponders in a transponder system to thereby locally control each transponder receiving the transmissions of the autonomous low power transmitter **(Col. 5, lines 20-32 & Col. 5, Table; note commands)**.

However, Westman does not specifically teach

- at least a second general access identity code for a direct control by the autonomous low power transmitter within its limited coverage area
- and that the autonomous low power transmitter is provided with a control switch (S2) for activating a broadcast of a defined series of transmissions with an authorization code for anti-theft transponders in a transponder system to thereby locally control each transponder receiving the transmissions of the autonomous low power transmitter.

Durst teaches

- at least a second general access identity code for a direct control by the autonomous low power transmitter within its limited coverage area **(Fig. 1, item 25; Col. 3, lines 40-48; note that object locators may be contacted by item 25 which may be in close proximity to objects of interest and has ability to produce multiple access identity codes for multiple objects; Col. 4, lines 41-53; note object locators can have multiple addresses corresponding to multiple access identity codes)**.
- and that the autonomous low power transmitter is provided with a control switch (S2) for activating a broadcast of a defined series of transmissions with an authorization code for anti-theft transponders in a transponder system to thereby locally control each transponder receiving the transmissions of the autonomous low power transmitter. **(Fig. 1, item 25; note buttons; Col. 3, lines 40-48; note that object locators may be contacted by item 25 which may be in close proximity to object of interest and has ability to produce multiple access identity codes; Col. 4, lines 41-53; note object locators can have multiple addresses corresponding to multiple access identity codes)**.

It would be obvious to one of ordinary skill in the art to combine Westman's asset tracking system with Durst's ability to communicate with multiple objects using multiple addresses because it may be necessary to control and receive information from large numbers of transponders (i.e. fleet of trucks, group of kids) at a particular time.

Regarding claim 5, Westman in view of Durst teach the transmitter device according to claim 4, Westman further teaches

- characterized in that the defined series of transmission has a repetition rate during a predetermined time period after initialization in order to guarantee a proper interlacing of transmissions by a general coverage paging system normally controlling activation of the transponder. **(Col. 7, lines 4-11; note transponder enablement)**

Regarding claim 6, Westman in view of Durst teach the transmitter device according to claim 5. Durst further teaches

- a system characterized in that the autonomous low power transmitter transmits an authorization code being common for all transponders in an anti-theft transponder system to control all transponders within the coverage area of the low power transmitter (**Fig. 1, item 25; Col. 3, lines 40-48; note that object locators may be contacted by item 25 which may be in close proximity to object of interest and has ability to produce multiple access identity codes for multiple objects. Item 25 may be replaced with A2 to contact multiple transponders at once and produce predictable results; Col. 4, lines 41-53; note object locators can have multiple addresses corresponding to multiple access identity codes; Col. 16, lines 18-31; note tuned frequency, coverage, and backup RF link).** Use of Durst's system in Westman's arrangement would have been obvious for the reasons given above.

Regarding claim 7, Westman in view of Durst teach the transmitter device according to claim 6, Westman teaches

- characterized in that a transmit frequency of the autonomous low power transmitter is the same as a communication frequency used for a paging system utilized for controlling the transponders of an anti-theft system. **(Col. 3, lines 58-62; note transponder may be activated by A1 or A2 on a paging system. A2 may be located near protected devices, and has the ability to access different access identity codes. Col. 4, lines 14-16; note pagers generally receive all messages transmitted on the frequency that it is tuned to, and filter out all messages not addressed to it; Col. 3, lines 22-26; note coverage area)**

Durst teaches

- characterized in that a transmit frequency of the autonomous low power transmitter is the same as a communication frequency used for a paging system utilized for controlling the transponders of an anti-theft system. **(Col. 4, lines 40-48; note multiple addresses that may be contacted by item 25, item 25 may be replaced with A2 and produce predictable results; Col. 16, lines 18-31; note tuned frequency, coverage, and backup RF link)**

It would have been obvious to one of ordinary skill in the art to combine Westman's enabling units with Durst's enabling units that are able to communicate with multiple objects using multiple addresses, because it may be necessary to control a large number of transponders associated with objects (i.e. fleet of trucks, group of kids) at a particular time.

Regarding claim 8, Westman in view of Durst teach the transmitter device according to claim 7, Westman teaches

- characterized in that the autonomous low power transmitter utilizes a POCSAG code or any corresponding protocol for transferring at least one general Receiver Identification Code, RIC, **(Col. 1, lines 6-9; note MiniCall and MBS-RDS are networks that have established communication protocols; Col. 5, lines 25-32; note accepted protocol for paging systems)**
- to transponders within the limited coverage area of the transmitter to thereby control the transponders receiving signals from the autonomous low power transmitter when it is initialized. **(Col. 3, lines 22-26; note coverage area; Col. 1, lines 6-9; note MiniCall and MBS-RDS are networks that have established communication protocols; Col. 4, lines 14-25; note control/authorization code; Col. 5, lines 25-32; note accepted protocol for paging systems; Col. 3, lines 58-62; note A2 transmits control code to transponders and can be located near or with protected objects)**

Durst teaches

- characterized in that the autonomous low power transmitter utilizes a POCSAG code or any corresponding protocol for transferring at least one general Receiver Identification Code, RIC, **(Col. 4, lines 30-46; note that protocol is required to communicate)**
- to transponders within the limited coverage area of the transmitter to thereby control the transponders receiving signals from the autonomous low power transmitter when it is initialized. **(Col. 4, lines 30-38; note object locator is being controlled; Col. 4, lines**

41-46, note messages or access identity codes to control object locators; Col. 3, lines 40-48; note that item 25 can be replaced with A2 and contact multiple transponders at once producing predictable results)

It would have been obvious to one of ordinary skill in the art to combine Westman's protocol with Durst's transmitter that is able to communicate with multiple objects using multiple addresses, because proper protocol is needed in order to control a large number of transponders associated with objects (i.e. fleet of trucks, group of kids) at a particular time.

Regarding claim 9, Westman in view of Durst teach the transmitter device according to claim 8, Westman teaches

- characterized in that the microprocessor (12) of the autonomous low power is provided with a fourth general RIC which can be transmitted in order to reset local transponders of the anti-theft system to a standby state. **(Col. 3, lines 58-62; note that A1 or A2 can activate the transponders, and are generally controlled by microprocessors; Col. 6, lines 52 & 67; Col. 5, Table; note commands)**

Durst teaches

- characterized in that the microprocessor (12) of the autonomous low power is provided with a fourth general RIC which can be transmitted in order to reset local transponders of the anti-theft system to a standby state. **(Col. 4, lines 41-46; note object locator may be assigned multiple addresses or RICs; Col. 3, lines 40-48; note enabling units may be replaced with A2 in order to control multiple transponders producing predictable**

results; Col. 3, lines 40-48; also note item 25 has buttons and are low power devices generally controlled by microprocessors).

It would have been obvious to one of ordinary skill in the art to combine Westman's reset command with Durst's ability to communicate with multiple objects using multiple addresses, because it may be necessary to reset a large number of transponders associated with objects (i.e. fleet of trucks, group of kids) at a particular time that have become accidentally activated.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wesby (U.S. Patent 5,051,741) discloses a locating system using a paging system. Linquist (U.S. Patent 5,423,056) discloses adaptive cellular paging system. Smith (U.S. Patent 5,686,892) discloses a stolen property tracking system. Aljadeff (U.S. Patent 5,729,196) discloses a personal location and message system and unit. Anastasiou (U.S. Patent 5,923,253) discloses an alert button. Boulay (U.S. Pub 2001/0040506 A1) discloses a two-way tracking system and method using an existing wireless network. Wohl (U.S. Patent 6,472,976) discloses a monitoring location and tracking system. Curatolo (U.S. Patent 6,510,380) discloses a security and tracking system. Nysen (U.S. Patent 6,995,654) discloses an apparatus and method for locating a tagged item.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Wilson whose telephone number is (571)270-5884. The examiner can normally be reached Monday-Thursday from 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Robinson can be reached on (571)272-2319. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. W./

/Mark A. Robinson/
Supervisory Patent Examiner, Art Unit 4163